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Fax

To:	Examiner David M. Shay Mail Stop AF U.S. Patent & Trademark Office	From:	Sanjay Bagade, Reg. No. 42,280 Asthmatx Inc.
Fax:	(703) 872-9306	Date:	November 11, 2004
Phone:	(703) 308-2215	Pages:	6 (including fax cover)

Re: **NOTICE OF APPEAL**

Comments:

U.S. Patent Application No.: 09/436,455
Filing Date: November 8, 1999
Title: DEVICES FOR MODIFICATION OF AIRWAYS BY TRANSFER OF ENERGY
Inventor(s): Christopher J. DANEK et al.
Group Art Unit: 3739
Examiner: D. Shay
Docket No.: A-008-000

Papers enclosed herewith:

1. Transmittal (1 page)
2. Fee Transmittal + duplicate for fee processing (2 pages)
3. Petition for Extension of Time, 3 months (1 page)
4. Notice of Appeal (1 page)

PAGE 1/5 * RCVD AT 11/11/2004 4:50:18 PM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729306 * CSID:4153183601 * DURATION (mm-ss):02-22

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Filing Date	November 8, 1999
First Named Inventor	Christopher J. DANEK
Art Unit	3739
Examiner Name	D. Shay
Attorney Docket Number	435712000821

Total Number of Pages in This Submission: 5

ENCLOSURES *(Check all that apply)*

- [✓] Fee Transmittal Form
- [ ] Fee Attached
- [ ] Amendment/Reply
- [ ] After Final
- [ ] Affidavits/declaration(s)
- [✓] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
- [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s)_____
- [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [✓] Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- [ ] Proprietary Information
- [ ] Status Letter
- [✓] Other Enclosure(s) (please identify below):

Fax Cover Sheet

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Asthmatx, Inc. (Customer No. 41,728)		
Signature	S. B		
Printed name	Sanjay S. Bagade		
Date	November 11, 2004	Reg. No.	42,280

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	S. B		
Typed or printed name	Sanjay S. Bagade	Date	Nov. 11, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the

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for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☑ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT ($) 660.00

Application Number	[illegible]
Filing Date	November 8, 1999
First Named Inventor	Christopher J. DANEK
Examiner Name	D. Shay
Art Unit	3739
Attorney Docket No.	435712000921

METHOD OF PAYMENT *(check all that apply)*

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☑ Deposit Account:

Deposit Account Number: 503,051

Deposit Account Name: Asthmatx, Inc.

The Director is authorized to: *(check all that apply)*

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☑ Charge any additional fee(s) or any underpayment of fee(s)

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FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	650	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) ($) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims		Fee from below	Fee Paid
Total Claims	[ ] -20** =	[ ]	X [ ]	=
Independent Claims	[ ] - 3** =	[ ]	X [ ]	=
Multiple Dependent			[ ]	=

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee ($)	Small Entity Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for *ex parte* reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	490.00
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	170.00
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) ($) 660.00

SUBMITTED BY

(Complete (if applicable))

Name (Print/Type)	Sanjay S. Bagade	Registration No. (Attorney/Agent)	42,280	Telephone	650-810-1100
Signature	[signature]			Date	11/11/2004

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